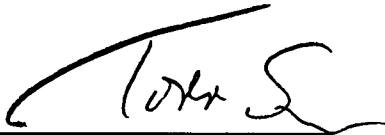


Verily and lawfully sworn, and signed  
by the undersigned, President of the  
House of Representatives, in testimony  
whereof, he has hereunto set his hand  
and the seal of the House.

FILED FEB 25 1999

By



H. B. No. 1838

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of professional  
sanitarians; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 2(a) and (b), Chapter 300, Acts of the  
59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's  
Texas Civil Statutes), are amended to read as follows:

(a) The term "field of environmental sanitation" means the  
application of [study, art, and technique of applying] scientific  
knowledge to control environmental hazards and to preserve and  
improve environmental factors for the achievement of the optimum  
[for the improvement of the environment of man for his] health,  
safety, comfort, and well-being of humans [and welfare].

(b) The term "sanitarian" means a person qualified by  
education and experience in basic and applied sciences to engage in  
the field of environmental sanitation to protect human health and  
the environment through education, design, implementation,  
inspection, and enforcement [trained in the field of sanitary  
science to carry out educational and inspectional duties in the  
field of environmental sanitation].

SECTION 2. Section 5, Chapter 300, Acts of the 59th  
Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
Civil Statutes), is amended by amending Subsections (a) and (b)  
and adding Subsection (e) to read as follows:

1           (a) The Board, upon application on the form prescribed by  
2 it[7] and upon the payment of a registration fee set by the Board  
3 [~~of---Ten---Dollars---(\$10.00)~~7] shall issue a certificate of  
4 registration as a professional sanitarian to any person who has the  
5 qualifications stipulated under the provisions of this Act[7] and  
6 who submits evidence by passing a written examination prescribed by  
7 the Board satisfactory to the Board that the applicant is qualified  
8 under the provisions of this Act. In evaluating the evidence  
9 submitted to it, the Board shall carefully consider the applicant's  
10 knowledge and understanding of the principles of sanitation and [7]  
11 the physical, biological, and social sciences.

12           (b) Any person who applies for registration shall have had  
13 not less than two years [~~one-+)-year~~] of full time experience in  
14 the field of environmental sanitation and shall have completed  
15 training in the basic sciences and/or public health to the extent  
16 deemed necessary by the Board in order to effectively serve as a  
17 registered sanitarian. The educational requirements set forth by  
18 the Board shall include the requirement that an applicant have  
19 graduated from an accredited college or university with at least a  
20 bachelor's degree that includes at least 30 semester hours in basic  
21 or applied science [~~not-be-at--variance--with--the--definition--for~~  
22 ~~Sanitarian--set--forth-by-the-Position-Classification-Act-of-1961~~].  
23 Other qualifications may be established by the Board in accordance  
24 with the rules and regulations adopted under this Act. Persons  
25 employed in the field of environmental sanitation who meet all  
26 qualifications for registration as a professional sanitarian,  
27 except the qualifications of experience, shall, upon the approval

1 by the Board and after payment of a registration fee prescribed by  
2 the Board for a sanitarian in training [~~of-Five-Dollars-(\$5.00)~~]  
3 and [by] passing a written examination prescribed by the Board, be  
4 granted a certificate of Sanitarian in Training. This certificate  
5 shall remain in effect unless revoked by the Board for a period not  
6 to exceed two years [~~one-(1)-year~~] after date of issue.

7 (e) An applicant under this section must pay an examination  
8 fee prescribed by the Board to take a license examination  
9 administered under this Act.

10 SECTION 3. Section 6, Chapter 300, Acts of the 59th  
11 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
12 Civil Statutes), is amended to read as follows:

13 Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND  
14 REINSTATEMENT. Every professional sanitarian registered under the  
15 provisions of this Act who desires to actively continue in the  
16 field of environmental sanitation shall annually pay to the Board a  
17 renewal fee prescribed [~~to-be-fixed~~] by the Board and provide proof  
18 of completion of continuing education contact hours as established  
19 by the Board [~~for-the-annual-renewal-of-each-license,-but-the-fee~~  
20 ~~for-renewal-of-license-shall-not-be-fixed-in-excess-of-Ten--Dollars~~  
21 ~~(\$10.00)~~]. Certificates of registration revoked for failure to pay  
22 renewal fees shall be reinstated under the rules and regulations of  
23 the Board.

24 SECTION 4. Section 8(a), Chapter 300, Acts of the 59th  
25 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
26 Civil Statutes), is amended to read as follows:

27 (a) The Board shall:

1           (1) issue regulations consistent with the provisions  
2 of this Act for the administration and enforcement of this Act;

3           (2) prescribe fees under this Act;

4           (3) administer the continuing education requirements  
5 of this Act; and

6           (4) [shall] prescribe forms which shall be issued in  
7 connection therewith.

8           SECTION 5. Section 12, Chapter 300, Acts of the 59th  
9 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
10 Civil Statutes), is amended to read as follows:

11           Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A [After  
12 ~~six-(6)-months-from-the-effective-date--of--this--Act,--no~~] person  
13 engaging or offering to engage in work in the field of  
14 environmental sanitation[7] in this state may not [shall] represent  
15 himself to be a sanitarian, or use any title containing the word  
16 "sanitarian," unless he is a registrant in good standing with the  
17 Board, either as a registered professional sanitarian or as a  
18 sanitarian in training.

19           (b) A person commits an offense if the person [Any-person  
20 who] violates any provisions of this Section.

21           (c) An offense under Subsection (b) of this Section is a  
22 Class C [shall-be-guilty-of-a] misdemeanor [and-shall-be-fined-not  
23 less-than-Ten-Dollars-(\$10.00)-nor-more-than--Two--Hundred--Dollars  
24 (\$200.00)].

25           SECTION 6. (a) Except as provided by Subsection (b) of this  
26 section, this Act takes effect September 1, 1999.

27           (b) The change in law made by this Act to the educational

1 requirements for registration as a professional sanitarian under  
2 Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular  
3 Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes),  
4 takes effect September 1, 2001.

5 SECTION 7. The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

99 APR -5 AM 8:18

HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By Smith

H.B. No. 1838

Substitute the following for H.B. No. 1838:

By Allen

C.S.H.B. No. 1838

## A BILL TO BE ENTITLED

### AN ACT

relating to the regulation of the practice of professional sanitarians; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The Board, upon application on the form prescribed by it[7] and upon the payment of a registration fee set by the Board [~~of--Ten--Dollars--(\$10.00)~~], shall issue a certificate of registration as a professional sanitarian to any person who has the qualifications stipulated under the provisions of this Act[7] and who submits evidence by passing a written examination prescribed by the Board satisfactory to the Board that the applicant is qualified under the provisions of this Act. In evaluating the evidence submitted to it, the Board shall carefully consider the applicant's knowledge and understanding of the principles of sanitation and[7] the physical, biological, and social sciences.

(b) Any person who applies for registration shall have had not less than two years [~~one--(1)--year~~] of full time experience in the field of sanitation and shall have completed training in the basic sciences and/or public health to the extent deemed necessary by the Board in order to effectively serve as a registered

1     sanitarian.     The educational requirements set forth by the Board  
 2     shall include the requirement that an applicant have graduated from  
 3     an accredited college or university with at least a bachelor's  
 4     degree that includes at least 30 semester hours in basic or applied  
 5     science [~~not-be-at-variance-with-the-definition-for-Sanitarian-set~~  
 6     ~~forth--by--the--Position--Classification--Act--of---1961~~].     Other  
 7     qualifications may be established by the Board in accordance with  
 8     the rules and regulations adopted under this Act. Persons employed  
 9     in the field of sanitation who meet all qualifications for  
 10    registration as a professional sanitarian, except the  
 11    qualifications of experience, shall, upon the approval by the Board  
 12    and after payment of a registration fee prescribed by the Board for  
 13    a sanitarian in training [~~of-Five-Dollars-(\$5.00)~~] and [by] passing  
 14    a written examination prescribed by the Board, be granted a  
 15    certificate of Sanitarian in Training. This certificate shall  
 16    remain in effect unless revoked by the Board for a period not to  
 17    exceed two years [~~one-1-year~~] after date of issue.

18         (e) An applicant under this section must pay an examination  
 19         fee prescribed by the Board to take a license examination  
 20         administered under this Act.

21         SECTION 2.     Section 6, Chapter 300, Acts of the 59th  
 22         Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
 23         Civil Statutes), is amended to read as follows:

24         Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND  
 25         REINSTATEMENT. Every professional sanitarian registered under the  
 26         provisions of this Act who desires to actively continue in the  
 27         field of sanitation shall [~~annually~~] pay to the Board a renewal fee

1 prescribed [~~to--be--fixed~~] by the Board and provide proof of  
2 completion of continuing education contact hours as established by  
3 the Board [~~for-the-annual-renewal-of-each-license, but-the-fee--for~~  
4 ~~renewal--of--license--shall--not--be-fixed-in-excess-of-Ten-Dollars~~  
5 ~~(\$10.00)]~~. Certificates of registration revoked for failure to pay  
6 renewal fees shall be reinstated under the rules and regulations of  
7 the Board.

8 SECTION 3. Section 8(a), Chapter 300, Acts of the 59th  
9 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
10 Civil Statutes), is amended to read as follows:

11 (a) The Board shall:

12 (1) issue regulations consistent with the provisions  
13 of this Act for the administration and enforcement of this Act;

14 (2) prescribe fees under this Act;

15 (3) administer the continuing education requirements  
16 of this Act; and

17 (4) [shall] prescribe forms which shall be issued in  
18 connection therewith.

19 SECTION 4. Section 12, Chapter 300, Acts of the 59th  
20 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
21 Civil Statutes), is amended to read as follows:

22 Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A [After  
23 ~~six--(6)--months--from--the--effective-date-of-this-Act, no~~] person  
24 engaging or offering to engage in work in the field of  
25 sanitation[7] in this state may not [~~shall~~] represent himself to be  
26 a sanitarian, or use any title containing the word "sanitarian,"  
27 unless he is a registrant in good standing with the Board, either



1 as a registered professional sanitarian or as a sanitarian in  
2 training.

3 (b) A person commits an offense if the person [~~Any--person~~  
4 ~~who~~] violates any provisions of this Section.

5 (c) An offense under Subsection (b) of this Section is a  
6 Class C [~~shall-be-guilty-of-a~~] misdemeanor [~~and-shall-be-fined--not~~  
7 ~~less--than--Ten--Dollars-(\$10.00)-nor-more-than-Two-Hundred-Dollars~~  
8 ~~(\$200.00)]~~].

9 SECTION 5. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 1999.

11 (b) The change in law made by this Act to the educational  
12 requirements for registration as a professional sanitarian under  
13 Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular  
14 Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes),  
15 takes effect September 1, 2001.

16 SECTION 6. The importance of this legislation and the  
17 crowded condition of the calendars in both houses create an  
18 emergency and an imperative public necessity that the  
19 constitutional rule requiring bills to be read on three several  
20 days in each house be suspended, and this rule is hereby suspended.

# COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

3/29/99  
(date)

Sir:

We, your COMMITTEE ON ENVIRONMENTAL REGULATION

to whom was referred HB 1838 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.  
☐ do pass, with amendment(s).  
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Chisum, Chair	✓			
Allen, Vice-chair	✓			
Culberson				✓
Dukes				✓
Howard	✓			
Kuempel	✓			
Palmer	✓			
Talton	✓			
Zbranek	✓			

Total      7      aye  
                 0      nay  
                 0      present, not voting  
                 2      absent

James E. Chisum  
CHAIR

## **BILL ANALYSIS**

Office of House Bill Analysis

C.S.H.B. 1838  
By: Smith  
Environmental Regulation  
4/1/1999  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Environmental sanitation refers to that aspect of public health that includes knowledge of air quality, food quality and protection, hazardous and toxic substances, consumer product safety, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. Sanitarians must continue to learn and apply state-of-the-art techniques to protect the health and safety of Texas citizens. Currently, Texas is not in alignment with the national standards for assessing the credentials of registered professional sanitarians. C.S.H.B. 1838 elevates the educational requirements by requiring a sanitarian to have a bachelor's degree. Additionally, it provides for continuing educational units, a longer training period, and provides for the State Board of Health to set the registration fees.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, V.T.C.S.), by amending Subsections (a) and (b) and adding Subsection (e), as follows:

(a) Requires the Board of Health (board), upon application on the form prescribed by it, and upon payment of a registration fee set by the board, rather than a fee of ten dollars, to issue a certificate of registration as a professional sanitarian to any person with qualifications stipulated under the provisions of this Act and who submits evidence by passing a board-prescribed written examination that sets forth proof that the applicant is qualified under the provisions of this Act. Makes nonsubstantive changes.

(b) Requires a person applying for registration to have had no less than two years, rather than one year, of full-time experience in the field of sanitation and to have completed training in basic sciences and/or public health to the extent deemed necessary by the board. Requires that the educational requirements set forth by the board include the requirement that an applicant have graduated from an accredited college or university with at least a bachelor's degree that includes at least 30 semester hours in basic or applied science. Deletes the provision that the requirements not be at variance with the definition for "sanitarian" set forth by the Position Classification Act of 1961. Requires all persons employed in the field of sanitation who meet all registration qualifications except those of experience, upon approval by the board and after a payment of a registration fee prescribed by the board for a sanitarian in training, rather than payment of a fee of five dollars, in addition to passing a written examination prescribed by the board, to be granted a certificate of Sanitarian in Training. Provides that this certificate remains in effect unless revoked by the board for a period not to exceed two years, rather than one year, after date of issue. Makes conforming and nonsubstantive changes.

(e) Provides that an applicant for a certificate of registration as a professional sanitarian must pay an examination fee prescribed by the board to take a license examination administered under this Act.

SECTION 2. Amends Section 6, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, V.T.C.S.), as follows:

Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND REINSTATEMENT. Requires every professional sanitarian registered under the provisions of this Act who desires to actively continue in the field of sanitation to pay the board a renewal fee, rather than annually pay a fee, that is prescribed, rather than fixed, by the board and provide proof of completion of continuing education contact hours established by the board. Deletes the stipulation that the fee or license renewal shall not be fixed in excess of ten dollars. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 8(a), Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, V.T.C.S.), as follows:

(a) Requires the board to prescribe fees under this Act and to administer the continuing education requirements of this Act, in addition to other duties. Creates Subdivisions (1) and (4) from existing text.

SECTION 4. Amends Section 12, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, V.T.C.S.), as follows:

Sec. 12. New title: REGISTRATION REQUIRED; OFFENSES. (a) Prohibits a person engaging or offering to engage in work in the field of sanitation in this state to represent himself to be a sanitarian, or use any title containing the word "sanitarian" unless registered in good standing with the board, either as a registered professional sanitarian or a sanitarian in training. Deletes the prohibition against persons engaging in or offering to engage in work in the field of sanitation holding themselves out as such a sanitarian after a period of six months from the effective date of this Act. Makes conforming and nonsubstantive changes.

(b) Provides that a person commits an offense if the person violates any provisions of this Section. Makes conforming and nonsubstantive changes.

(c) Provides that an offense under Subsection (b) of this Section is a Class C misdemeanor. Deletes the requirement that a person guilty of a misdemeanor under this section be fined not less than \$10 nor more than \$200.

SECTION 5. Effective date: September 1, 1999.

Makes application of this Act prospective to the educational requirements for registration as a professional sanitarian beginning September 1, 2001.

SECTION 6. Emergency clause.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1838 modifies the original bill by deleting proposed SECTION 1, which set forth the definition of "field of environmental sanitation," rather than "field of sanitation," and modified the definition of "sanitarian." To conform to this deletion, the term "environmental sanitarian," as used throughout the original bill, is restored to "sanitarian" in the substitute, as it currently appears in the already codified sections. Due to the deletion of SECTION 1, SECTIONS 2-7 in the original bill are redesignated as SECTIONS 1-6 in the substitute.

The substitute also changes the original bill in SECTION 2, redesignated from SECTION 3 in the original, by deleting the requirement that renewal fees paid to the State Board of Health by a professional sanitarian must be made on an annual basis.

SUMMARY OF COMMITTEE ACTION

HB 1838

March 15, 1999                      2:00PM  
Considered in public hearing  
Committee substitute considered in committee  
Testimony taken in committee  
Left pending in committee

March 29, 1999                      2:00PM  
Considered in public hearing  
Testimony taken in committee  
Committee substitute considered in committee  
Reported favorably as substituted  
Recommended to be sent to Local & Consent

WITNESS LIST

HB 1838  
HOUSE COMMITTEE REPORT  
Environmental Regulation Committee

March 15, 1999 - 2:00PM

For: Berry, Jacob McKenzie (Self and Texas On-Site  
Wastewater Association-Gulf Coast Chapter)  
Carter, Burt C. (Self)  
Digges, Charles (Texas On-Site Wastewater Association,  
Current Position: President)  
Janus, Conrad (Self and Texas Environmental  
Association)  
Shaffer, Ginger (Self and Texas Environmental Health  
Association)  
Against: Schulle, Jr., Gerhardt (Texas Society of Professional  
Engineers)  
On: Briseno, Elias (Texas Department of Health)  
Speed, John R. (Texas Board of Professional Engineer)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 31, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** HB 1838 by Smith (relating to the regulation of the practice of professional sanitarians; providing a penalty), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, DE

5

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 10, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1838** by Smith (Relating to the regulation of the practice of professional sanitarians; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.
--

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health, 582 Natural Resource Conservation  
Commission

**LBB Staff:** JK, DE, KF



ADOPTED

APR 28 1969

*Sanitary Code*  
Section  
Houses of Representatives

By SMITH

HB. No. 1838

Substitute the following for HB. No. 1838:

By Allen

C.S. HB. No. 1838

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of professional sanitarians; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The Board, upon application on the form prescribed by it[7] and upon the payment of a registration fee set by the Board [~~of--Ten--Dollars--(\$10.00)~~], shall issue a certificate of registration as a professional sanitarian to any person who has the qualifications stipulated under the provisions of this Act[7] and who submits evidence by passing a written examination prescribed by the Board satisfactory to the Board that the applicant is qualified under the provisions of this Act. In evaluating the evidence submitted to it, the Board shall carefully consider the applicant's knowledge and understanding of the principles of sanitation and[7] the physical, biological, and social sciences.

(b) Any person who applies for registration shall have had not less than two years [~~one-+-year~~] of full time experience in the field of sanitation and shall have completed training in the basic sciences and/or public health to the extent deemed necessary by the Board in order to effectively serve as a registered

1     sanitarian.     The educational requirements set forth by the Board  
2     shall include the requirement that an applicant have graduated from  
3     an accredited college or university with at least a bachelor's  
4     degree that includes at least 30 semester hours in basic or applied  
5     science [~~not-be-at-variance-with-the-definition-for-Sanitarian-set~~  
6     ~~forth--by--the--Position--Classification--Act--of---1961~~].     Other  
7     qualifications may be established by the Board in accordance with  
8     the rules and regulations adopted under this Act. Persons employed  
9     in the field of sanitation who meet all qualifications for  
10    registration as a professional sanitarian, except the  
11    qualifications of experience, shall, upon the approval by the Board  
12    and after payment of a registration fee prescribed by the Board for  
13    a sanitarian in training [~~of-Five-Dollars-(\$5.00)~~] and [by] passing  
14    a written examination prescribed by the Board, be granted a  
15    certificate of Sanitarian in Training. This certificate shall  
16    remain in effect unless revoked by the Board for a period not to  
17    exceed two years [~~one-(1)-year~~] after date of issue.

18         (e) An applicant under this section must pay an examination  
19         fee prescribed by the Board to take a license examination  
20         administered under this Act.

21         SECTION 2.     Section 6, Chapter 300, Acts of the 59th  
22     Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
23     Civil Statutes), is amended to read as follows:

24         Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND  
25     REINSTATEMENT. Every professional sanitarian registered under the  
26     provisions of this Act who desires to actively continue in the  
27     field of sanitation shall [~~annually~~] pay to the Board a renewal fee

1 prescribed ~~[to--be--fixed]~~ by the Board and provide proof of  
2 completion of continuing education contact hours as established by  
3 the Board ~~[for-the-annual-renewal-of-each-license,--but-the-fee--for~~  
4 ~~renewal--of--license--shall--not--be-fixed-in-excess-of-Ten-Dollars~~  
5 ~~{\\$10-00}]~~. Certificates of registration revoked for failure to pay  
6 renewal fees shall be reinstated under the rules and regulations of  
7 the Board.

8 SECTION 3. Section 8(a), Chapter 300, Acts of the 59th  
9 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
10 Civil Statutes), is amended to read as follows:

11 (a) The Board shall:

12 (1) issue regulations consistent with the provisions  
13 of this Act for the administration and enforcement of this Act;

14 (2) prescribe fees under this Act;

15 (3) administer the continuing education requirements  
16 of this Act; and

17 (4) [shall] prescribe forms which shall be issued in  
18 connection therewith.

19 SECTION 4. Section 12, Chapter 300, Acts of the 59th  
20 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
21 Civil Statutes), is amended to read as follows:

22 Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A [After  
23 six--(6)--months--from--the--effective-date-of-this-Act,--no] person  
24 engaging or offering to engage in work in the field of  
25 sanitation~~[7]~~ in this state may not ~~[shall]~~ represent himself to be  
26 a sanitarian, or use any title containing the word "sanitarian,"  
27 unless he is a registrant in good standing with the Board, either

1 as a registered professional sanitarian or as a sanitarian in  
2 training.

3 (b) A person commits an offense if the person [~~Any--person~~  
4 ~~who~~] violates any provisions of this Section.

5 (c) An offense under Subsection (b) of this Section is a  
6 Class C [~~shall-be-guilty-of-a~~] misdemeanor [~~and-shall-be-fined--not~~  
7 ~~less--than--Ten--Dollars-(\$10.00)-nor-more-than-Two-Hundred-Dollars~~  
8 ~~(\$200.00)]~~].

9 SECTION 5. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 1999.

11 (b) The change in law made by this Act to the educational  
12 requirements for registration as a professional sanitarian under  
13 Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular  
14 Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes),  
15 takes effect September 1, 2001.

16 SECTION 6. The importance of this legislation and the  
17 crowded condition of the calendars in both houses create an  
18 emergency and an imperative public necessity that the  
19 constitutional rule requiring bills to be read on three several  
20 days in each house be suspended, and this rule is hereby suspended.

# HOUSE ENGROSSMENT

By Smith

H.B. No. 1838

## A BILL TO BE ENTITLED

### AN ACT

relating to the regulation of the practice of professional sanitarians; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The Board, upon application on the form prescribed by it[7] and upon the payment of a registration fee set by the Board [~~of--Ten--Dollars--(\$10.00)~~], shall issue a certificate of registration as a professional sanitarian to any person who has the qualifications stipulated under the provisions of this Act[7] and who submits evidence by passing a written examination prescribed by the Board satisfactory to the Board that the applicant is qualified under the provisions of this Act. In evaluating the evidence submitted to it, the Board shall carefully consider the applicant's knowledge and understanding of the principles of sanitation and[7] the physical, biological, and social sciences.

(b) Any person who applies for registration shall have had not less than two years [~~one--(1)--year~~] of full time experience in the field of sanitation and shall have completed training in the basic sciences and/or public health to the extent deemed necessary by the Board in order to effectively serve as a registered

sanitarian. The educational requirements set forth by the Board shall include the requirement that an applicant have graduated from an accredited college or university with at least a bachelor's degree that includes at least 30 semester hours in basic or applied science [~~not-be-at-variance-with-the-definition-for-Sanitarian-set forth-by-the-Position-Classification-Act-of-1961~~]. Other qualifications may be established by the Board in accordance with the rules and regulations adopted under this Act. Persons employed in the field of sanitation who meet all qualifications for registration as a professional sanitarian, except the qualifications of experience, shall, upon the approval by the Board and after payment of a registration fee prescribed by the Board for a sanitarian in training [~~of-Five-Dollars-(\$5.00)~~] and [by] passing a written examination prescribed by the Board, be granted a certificate of Sanitarian in Training. This certificate shall remain in effect unless revoked by the Board for a period not to exceed two years [~~one-1-year~~] after date of issue.

(e) An applicant under this section must pay an examination fee prescribed by the Board to take a license examination administered under this Act.

SECTION 2. Section 6, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND REINSTATEMENT. Every professional sanitarian registered under the provisions of this Act who desires to actively continue in the field of sanitation shall [~~annually~~] pay to the Board a renewal fee

1 prescribed [~~to--be--fixed~~] by the Board and provide proof of  
2 completion of continuing education contact hours as established by  
3 the Board [~~for-the-annual-renewal-of-each-license, but the fee--for~~  
4 ~~renewal--of--license--shall--not--be-fixed-in-excess-of-Ten-Dollars~~  
5 ~~(\$10.00)]~~. Certificates of registration revoked for failure to pay  
6 renewal fees shall be reinstated under the rules and regulations of  
7 the Board.

8 SECTION 3. Section 8(a), Chapter 300, Acts of the 59th  
9 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
10 Civil Statutes), is amended to read as follows:

11 (a) The Board shall:

12 (1) issue regulations consistent with the provisions  
13 of this Act for the administration and enforcement of this Act;

14 (2) prescribe fees under this Act;

15 (3) administer the continuing education requirements  
16 of this Act; and

17 (4) [shall] prescribe forms which shall be issued in  
18 connection therewith.

19 SECTION 4. Section 12, Chapter 300, Acts of the 59th  
20 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
21 Civil Statutes), is amended to read as follows:

22 Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A [After  
23 ~~six--(6)--months--from--the--effective-date-of-this-Act, no~~] person  
24 engaging or offering to engage in work in the field of  
25 sanitation[7] in this state may not [shall] represent himself to be  
26 a sanitarian, or use any title containing the word "sanitarian,"  
27 unless he is a registrant in good standing with the Board, either

1 as a registered professional sanitarian or as a sanitarian in  
2 training.

3 (b) A person commits an offense if the person ~~[Any--person~~  
4 ~~who]~~ violates any provisions of this Section.

5 (c) An offense under Subsection (b) of this Section is a  
6 Class C ~~[shall-be-guilty-of-a]~~ misdemeanor ~~[and-shall-be-fined--not~~  
7 ~~less--than--Ten--Dollars-{\$10-00}-nor-more-than-Two-Hundred-Dollars~~  
8 ~~{\$200-00}]~~.

9 SECTION 5. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 1999.

11 (b) The change in law made by this Act to the educational  
12 requirements for registration as a professional sanitarian under  
13 Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular  
14 Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes),  
15 takes effect September 1, 2001.

16 SECTION 6. The importance of this legislation and the  
17 crowded condition of the calendars in both houses create an  
18 emergency and an imperative public necessity that the  
19 constitutional rule requiring bills to be read on three several  
20 days in each house be suspended, and this rule is hereby suspended.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 31, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** HB 1838 by Smith (relating to the regulation of the practice of professional sanitarians; providing a penalty), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, DE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 10, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB1838** by Smith (Relating to the regulation of the practice of professional sanitarians; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.
--

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health, 582 Natural Resource Conservation  
Commission

**LBB Staff:** JK, DE, KF

1-1 By: Smith (Senate Sponsor - Moncrief) H.B. No. 1838  
1-2 (In the Senate - Received from the House April 26, 1999;  
1-3 April 27, 1999, read first time and referred to Committee on Health  
1-4 Services; May 5, 1999, reported favorably by the following vote:  
1-5 Yeas 5, Nays 0; May 5, 1999, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation of the practice of professional  
1-9 sanitarians; providing a penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 5, Chapter 300, Acts of the 59th  
1-12 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
1-13 Civil Statutes), is amended by amending Subsections (a) and (b)  
1-14 and adding Subsection (e) to read as follows:

1-15 (a) The Board, upon application on the form prescribed by  
1-16 it[7] and upon the payment of a registration fee set by the Board  
1-17 ~~[of--Ten--Dollars--(\$10.00)]~~, shall issue a certificate of  
1-18 registration as a professional sanitarian to any person who has the  
1-19 qualifications stipulated under the provisions of this Act[7] and  
1-20 who submits evidence by passing a written examination prescribed by  
1-21 the Board satisfactory to the Board that the applicant is qualified  
1-22 under the provisions of this Act. In evaluating the evidence  
1-23 submitted to it, the Board shall carefully consider the applicant's  
1-24 knowledge and understanding of the principles of sanitation and[7]  
1-25 the physical, biological, and social sciences.

1-26 (b) Any person who applies for registration shall have had  
1-27 not less than two years ~~[one- $\frac{1}{2}$ -year]~~ of full time experience in  
1-28 the field of sanitation and shall have completed training in the  
1-29 basic sciences and/or public health to the extent deemed necessary  
1-30 by the Board in order to effectively serve as a registered  
1-31 sanitarian. The educational requirements set forth by the Board  
1-32 shall include the requirement that an applicant have graduated from  
1-33 an accredited college or university with at least a bachelor's  
1-34 degree that includes at least 30 semester hours in basic or applied  
1-35 science ~~[not-be-at-variance-with-the-definition-for-Sanitarian-set~~  
1-36 ~~forth--by--the--Position--Classification--Act--of--1961]~~. Other  
1-37 qualifications may be established by the Board in accordance with  
1-38 the rules and regulations adopted under this Act. Persons employed  
1-39 in the field of sanitation who meet all qualifications for  
1-40 registration as a professional sanitarian, except the  
1-41 qualifications of experience, shall, upon the approval by the Board  
1-42 and after payment of a registration fee prescribed by the Board for  
1-43 a sanitarian in training ~~[of-Five-Dollars-(\$5.00)]~~ and [by] passing  
1-44 a written examination prescribed by the Board, be granted a  
1-45 certificate of Sanitarian in Training. This certificate shall  
1-46 remain in effect unless revoked by the Board for a period not to  
1-47 exceed two years ~~[one- $\frac{1}{2}$ -year]~~ after date of issue.

1-48 (e) An applicant under this section must pay an examination  
1-49 fee prescribed by the Board to take a license examination  
1-50 administered under this Act.

1-51 SECTION 2. Section 6, Chapter 300, Acts of the 59th  
1-52 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
1-53 Civil Statutes), is amended to read as follows:

1-54 Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND  
1-55 REINSTATEMENT. Every professional sanitarian registered under the  
1-56 provisions of this Act who desires to actively continue in the  
1-57 field of sanitation shall ~~[annually]~~ pay to the Board a renewal fee  
1-58 prescribed ~~[to--be--fixed]~~ by the Board and provide proof of  
1-59 completion of continuing education contact hours as established by  
1-60 the Board ~~[for-the-annual-renewal-of-each-license, but the fee--for~~  
1-61 ~~renewal--of--license--shall--not--be-fixed-in-excess-of-Ten-Dollars~~  
1-62 ~~(\$10.00)]~~. Certificates of registration revoked for failure to pay  
1-63 renewal fees shall be reinstated under the rules and regulations of  
1-64 the Board.

SECTION 3. Section 8(a), Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Board shall:

- (1) issue regulations consistent with the provisions of this Act for the administration and enforcement of this Act;
- (2) prescribe fees under this Act;
- (3) administer the continuing education requirements of this Act; and
- (4) ~~[shall]~~ prescribe forms which shall be issued in connection therewith.

SECTION 4. Section 12, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A ~~[After six--(6)--months--from--the--effective-date-of-this-Act, no]~~ person engaging or offering to engage in work in the field of sanitation~~[,]~~ in this state may not ~~[shall]~~ represent himself to be a sanitarian, or use any title containing the word "sanitarian," unless he is a registrant in good standing with the Board, either as a registered professional sanitarian or as a sanitarian in training.

(b) A person commits an offense if the person ~~[Any--person who]~~ violates any provisions of this Section.

(c) An offense under Subsection (b) of this Section is a Class C ~~[shall-be-guilty-of-a]~~ misdemeanor ~~[and-shall-be-fined--not less--than--Ten--Dollars--(\$10.00)--nor-more-than-Two-Hundred-Dollars (\$200.00)].~~

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1999.

(b) The change in law made by this Act to the educational requirements for registration as a professional sanitarian under Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), takes effect September 1, 2001.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1838  
By SMITH/MONCRIEF  
(Author/Senate Sponsor)  
5/5/99  
(date)

Sir:

We, your Committee on HEALTH SERVICES, to which was referred the attached measure,  
have on 5/4/99 (date of hearing), had the same under consideration and I am instructed to report it  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Nelson, Chair	<input checked="" type="checkbox"/>			
Senator Moncrief, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Madla	<input checked="" type="checkbox"/>			
Senator Nixon	<input checked="" type="checkbox"/>			
TOTAL VOTES	5	0	0	0

COMMITTEE ACTION

☒ S260 Considered in public hearing  
☒ S270 Testimony taken

June Parr  
COMMITTEE CLERK

Spencer Nelson  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

HB 1838  
SENATE COMMITTEE REPORT  
Health Services Committee

May 4, 1999 - 1:30P

For: Shaffer, Ginger (Texas Environmental Health Association),  
Wichita Falls

Registering, but not testifying:

For: Briley, Richard (City of Garland, Texas Environmental Health  
Assoc.), Garland

Claybrook, Steve (Texas Env. Health Assn.), Lubbock

Dennison, Dan (City of Lubbock), Lubbock

Janus, Conrad (Himself and Texas Environmental Health Assoc.),  
Houston

Newton, Will (Texas Restaurant Association), Austin

Sims, Chris (City of Lubbock), Lubbock

Teel, John (City of Garland, Tex. Assoc. of Municipal Health  
Off.), Garland

On: Briseno, Elias (Texas Department of Health), Austin

## **BILL ANALYSIS**

Senate Research Center

H.B. 1838  
By: Smith (Moncrief)  
Health Services  
5/5/1999  
Engrossed

### **DIGEST**

Environmental sanitation refers to that aspect of public health that includes knowledge of air quality, food quality and protection, hazardous and toxic substances, consumer product safety, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. Sanitarians must continue to learn and apply state-of-the-art techniques to protect the health and safety of Texas citizens. Currently, Texas is not in alignment with the national standards for assessing the credentials of registered professional sanitarians. This bill would elevate the education level required to be a registered professional sanitarian, and provides for continuing educational units, a longer training period, and requires the State Board of Health to set the registration fees.

### **PURPOSE**

As proposed, H.B. 1838 elevates the education level required to be a registered professional sanitarian, and provides for continuing educational units, a longer training period, and requires for the State Board of Health to set the registration fees.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5, Article 4477-3, V.T.C.S., by amending Subsections (a) and (b) and adding Subsection (e), as follows:

(a) Requires the Board of Health (board), upon application on the form prescribed by it, and upon payment of a registration fee set by the board, rather than a fee of \$10, to issue a certificate of registration as a professional sanitarian to any person with qualifications stipulated under this Act and who submits evidence by passing a board-prescribed written examination that sets forth proof that the applicant is qualified under this Act. Makes nonsubstantive changes.

(b) Requires a person applying for registration to have had no less than two years, rather than one year, of full time experience in the sanitation field and to have completed training in basic sciences and/or public health to the extent deemed necessary to the board. Requires the educational requirements set forth by the board to include the requirement that an applicant have graduated from an accredited college or university with at least a bachelor's degree that includes at least 30 semester hours in basic or applied science. Requires all persons employed in the field of sanitation who meet all registration qualifications except those of experience, upon approval by the board and after payment of a certain registration fee in addition to passing a written examination prescribed by the board, to be granted a certificate of Sanitarian in Training. Provides that this certificate remains in effect unless revoked by the board for a period not to exceed two years, rather than one year, after date of issue. Deletes the provision that the requirements not be at variance with the definition for "sanitation" set forth by the Position Classification Act of 1961. Makes conforming and nonsubstantive changes.

(e) Requires an applicant for a certificate of registration as a professional sanitarian to pay an examination fee prescribed by the board to take a license examination administered under this Act.

SECTION 2. Amends Section 6, Article 4477-3, V.T.C.S., to require every professional sanitarian

registered under the provisions of this Act who desires to actively continue in the sanitation field to pay the board a renewal fee, rather than annually pay a fee, that is prescribed, rather than fixed, by the board and provide proof of completion of continuing education contact hours established by the board. Deletes text that the fee or license renewal shall not be fixed in excess of \$10. Makes conforming or nonsubstantive changes.

SECTION 3. Amends Section 8(a), Article 4477-3, V.T.C.S., to require the board to prescribe fees under this Act and to administer the continuing education requirements of this Act, in addition to other duties. Makes nonsubstantive changes.

SECTION 4. Amends Section 12, Article 4477-3, V.T.C.S., as follows:

Sec. 12. New heading: REGISTRATION REQUIRED; OFFENSES. (a) Prohibits a person engaging or offering to engage in work in the field of sanitation in this state to represent himself to be a sanitarian, or use any title containing the word "sanitarian" unless registered in good standing with the board, either as a registered professional sanitarian or a sanitarian in training. Deletes text prohibiting persons from engaging in or offering to engage in work in the sanitation field holding themselves out as such a sanitarian after a period of six months from the effective date of this Act unless they are registered. Makes conforming and nonsubstantive changes.

(b) Provides that a person commits an offense if the person violates any provisions of this section. Makes conforming and nonsubstantive changes.

(c) Provides that an offense under Subsection (b) of this section is a Class C misdemeanor. Deletes the requirement that a person guilty of a misdemeanor under this section be fined not less than \$10 nor more than \$200.

SECTION 5. (a) Effective date: September 1, 1999.

(b) Provides that the change in law to the educational requirements for registration as a professional sanitarian takes effect September 1, 2001.

SECTION 6. Emergency clause.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 3, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1838** by Smith (Relating to the regulation of the practice of professional sanitarians; providing a penalty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.
--

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, DE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 31, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB 1838** by Smith (relating to the regulation of the practice of professional sanitarians; providing a penalty), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.
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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, DE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 10, 1999

**TO:** Honorable Warren Chisum, Chair, House Committee on Environmental Regulation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB1838** by Smith (Relating to the regulation of the practice of professional sanitarians; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.
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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health, 582 Natural Resource Conservation  
Commission

**LBB Staff:** JK, DE, KF

# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1838, by: SMITH/MONCRIEF,  
(Bill No.) (Author/Sponsor)

was heard by the HEALTH SERVICES Committee on May 4, 1999,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

June Parr  
(Clerk of the reporting committee)

**IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.**

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.  
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

## ENROLLED

H.B. No. 1838

### AN ACT

relating to the regulation of the practice of professional sanitarians; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Chapter 300, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The Board, upon application on the form prescribed by it[7] and upon the payment of a registration fee set by the Board [~~of--Ten--Dollars--(\$10.00)~~], shall issue a certificate of registration as a professional sanitarian to any person who has the qualifications stipulated under the provisions of this Act[7] and who submits evidence by passing a written examination prescribed by the Board satisfactory to the Board that the applicant is qualified under the provisions of this Act. In evaluating the evidence submitted to it, the Board shall carefully consider the applicant's knowledge and understanding of the principles of sanitation and[7] the physical, biological, and social sciences.

(b) Any person who applies for registration shall have had not less than two years [~~one--(1)--year~~] of full time experience in the field of sanitation and shall have completed training in the basic sciences and/or public health to the extent deemed necessary by the Board in order to effectively serve as a registered

1     sanitarian. The educational requirements set forth by the Board  
2     shall include the requirement that an applicant have graduated from  
3     an accredited college or university with at least a bachelor's  
4     degree that includes at least 30 semester hours in basic or applied  
5     science [~~not-be-at-variance-with-the-definition-for-Sanitarian-set~~  
6     ~~forth--by--the--Position--Classification--Act--of---1961~~]. Other  
7     qualifications may be established by the Board in accordance with  
8     the rules and regulations adopted under this Act. Persons employed  
9     in the field of sanitation who meet all qualifications for  
10    registration as a professional sanitarian, except the  
11    qualifications of experience, shall, upon the approval by the Board  
12    and after payment of a registration fee prescribed by the Board for  
13    a sanitarian in training [~~of-Five-Dollars-(\$5.00)~~] and [by] passing  
14    a written examination prescribed by the Board, be granted a  
15    certificate of Sanitarian in Training. This certificate shall  
16    remain in effect unless revoked by the Board for a period not to  
17    exceed two years [~~one-11-year~~] after date of issue.

18       (e) An applicant under this section must pay an examination  
19    fee prescribed by the Board to take a license examination  
20    administered under this Act.

21       SECTION 2. Section 6, Chapter 300, Acts of the 59th  
22    Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
23    Civil Statutes), is amended to read as follows:

24       Sec. 6. RENEWAL OF CERTIFICATES; FEE; DELINQUENCY AND  
25    REINSTATEMENT. Every professional sanitarian registered under the  
26    provisions of this Act who desires to actively continue in the  
27    field of sanitation shall [~~annually~~] pay to the Board a renewal fee

1 prescribed [~~to--be--fixed~~] by the Board and provide proof of  
 2 completion of continuing education contact hours as established by  
 3 the Board [~~for-the-annual-renewal-of-each-license, but-the-fee--for~~  
 4 ~~renewal--of--license--shall--not--be-fixed-in-excess-of-Ten-Dollars~~  
 5 ~~{\\$10.00}~~]. Certificates of registration revoked for failure to pay  
 6 renewal fees shall be reinstated under the rules and regulations of  
 7 the Board.

8 SECTION 3. Section 8(a), Chapter 300, Acts of the 59th  
 9 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
 10 Civil Statutes), is amended to read as follows:

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12 (1) issue regulations consistent with the provisions  
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15 (3) administer the continuing education requirements  
 16 of this Act; and

17 (4) [~~shall~~] prescribe forms which shall be issued in  
 18 connection therewith.

19 SECTION 4. Section 12, Chapter 300, Acts of the 59th  
 20 Legislature, Regular Session, 1965 (Article 4477-3, Vernon's Texas  
 21 Civil Statutes), is amended to read as follows:

22 Sec. 12. REGISTRATION REQUIRED; OFFENSES. (a) A [After  
 23 ~~six--(6)--months--from--the--effective-date-of-this-Act, no~~] person  
 24 engaging or offering to engage in work in the field of  
 25 sanitation[7] in this state may not [~~shall~~] represent himself to be  
 26 a sanitarian, or use any title containing the word "sanitarian,"  
 27 unless he is a registrant in good standing with the Board, either

1 as a registered professional sanitarian or as a sanitarian in  
2 training.

3 (b) A person commits an offense if the person [Any--person  
4 who] violates any provisions of this Section.

5 (c) An offense under Subsection (b) of this Section is a  
6 Class C [shall-be-guilty-of-a] misdemeanor [and-shall-be-fined--not  
7 less--than--Ten--Dollars-(\$10.00)-nor-more-than-Two-Hundred-Dollars  
8 (\$200.00)].

9 SECTION 5. (a) Except as provided by Subsection (b) of this  
10 section, this Act takes effect September 1, 1999.

11 (b) The change in law made by this Act to the educational  
12 requirements for registration as a professional sanitarian under  
13 Section 5(b), Chapter 300, Acts of the 59th Legislature, Regular  
14 Session, 1965 (Article 4477-3, Vernon's Texas Civil Statutes),  
15 takes effect September 1, 2001.

16 SECTION 6. The importance of this legislation and the  
17 crowded condition of the calendars in both houses create an  
18 emergency and an imperative public necessity that the  
19 constitutional rule requiring bills to be read on three several  
20 days in each house be suspended, and this rule is hereby suspended.



H.B. No. 1838

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 1838 was passed by the House on April 23, 1999, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 1838 was passed by the Senate on May 13, 1999, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1838 was passed by the House  
(1)  
on APRIL 23, 1999, by a non-record vote.  
(2)

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1838 was passed by the Senate  
on MAY 13, 1999, by the following vote:  
(3)  
Yeas 30, Nays 0  
(4) (5)

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT26;

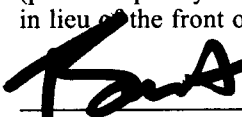
76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only  
Bill or Resolution Number:

HB 1838

  
signature of primary author

Todd Smith  
printed name of primary author

2-25-99  
Date

PERMISSION TO SIGN HB 1838 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)  
☒ ALL REPRESENTATIVES  
☐ THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2600 Counts	Date	A2795 Farabee	Date
A2115 Allen	Date	A2605 Crabb	Date	A2810 Farrar	Date
A2105 Alvarado	Date	A2610 Craddick	Date	A2840 Flores	Date
A2135 Averitt	Date	A2615 Crownover	Date	A2920 Gallego	Date
A2160 Bailey	Date	A2645 Cuellar	Date	A2930 Garcia	Date
A2205 Berman	Date	A2635 Culberson	Date	A2940 George	Date
A2250 Bonnen	Date	A2670 Danburg	Date	A2935 Giddings	Date
A2275 Bosse	Date	A2620 Davis, John	Date	A2880 Glaze	Date
A2260 Brimer	Date	A2625 Davis, Yvonne	Date	A2985 Goodman	Date
A2265 Brown, Betty	Date	A2680 Delisi	Date	A2990 Goolsby	Date
A2270 Brown, Fred	Date	A3385 Denny	Date	A3005 Gray	Date
A2255 Burnam	Date	A2690 Deshotel	Date	A3000 Green	Date
A2300 Capelo	Date	A2705 Driver	Date	A3010 Greenberg	Date
A2400 Carter	Date	A2665 Dukes	Date	A3020 Grusendorf	Date
A2585 Chavez	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2480 Chisum	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2525 Christian	Date	A2770 Edwards	Date	A2695 Hamric	Date
A2520 Clark	Date	A2760 Ehrhardt	Date	A3160 Hardcastle	Date
A2435 Coleman	Date	A2775 Eiland	Date	A3170 Hartnett	Date
A2565 Cook	Date	A2785 Elkins	Date	A3345 Hawley	Date
A2595 Corte	Date	A2790 Ellis, Dan	Date	A3180 Heflin	Date

For chief clerk use only  
Bill or Resolution Number: HB 1838

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Sicbert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranek	Date

A BILL TO BE ENTITLED  
AN ACT

Relating to the regulation of the practice of professional sanitarians; providing a penalty.

FEB 25 1999

Filed with the Chief Clerk

MAR - 1 1999

Read first time and referred to Committee on

ENVIRONMENTAL Regulation

MAR 29 1999

Reported \_\_\_ favorably ~~(amended)~~  
(as substituted)

APR 06 1999

Sent to Committee on ~~(Calendars)~~  
(Local & Consent Calendars)

APR 23 1999

Read second time (comm. subst.) ~~(amended)~~; passed to third reading ~~(failed)~~ by a (non-record vote)  
(record vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting

APR 23 1999

Read third time ~~(amended)~~; finally passed ~~(failed to pass)~~ by a (non-record vote)  
(record vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting)

APR 26 1999

Engrossed

APR 26 1999

Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

APR 26 1999

Received from the House

APR 27 1999

Read and referred to Committee on HEALTH SERVICES

MAY 05 1999

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 13 1999

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_ yeas, \_\_\_ nays)

MAY 13 1999

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_ yeas, \_\_\_ nays)

MAY 13 1999

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 13 1999

Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(30 yeas, 0 nays)

May 13, 1999

Returned to the House

Betty King

SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

MAY 13 1999

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

99 APR -5 AM 02:18  
HOUSE OF REPRESENTATIVES

1838

1838